

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
November 17, 2004**

The City Council/Redevelopment Agency of the City of Westminster, California convened on November 17, 2004 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Blvd, Westminster, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, QUACH, FRY, PARIS
ABSENT: MARSH

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case); and
- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Vangie Schock and Labor Negotiator Dave Larsen; Employee Organization: Westminster Municipal Employees' Association (WMEA).

RECESS: At 6:18 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:01 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, QUACH, FRY, PARIS
ABSENT: MARSH

SALUTE TO FLAG: Council Member Fry

INVOCATION: Mayor Pro Tem Quach

Mayor Rice requested a prayer for the City Manager, Vangie Schock, who had emergency eye surgery.

REPORT OUT OF CLOSED SESSION:

The City Attorney announced that the City Council voted 4-0-1 to authorize the City Manager to execute a release for third party liability reimbursement with AIG, the City's excess carrier, related to the Hefley Reservoir incident.

SPECIAL PRESENTATIONS:

- A. Angie Martin, Westminster WalMart Manager, presented a check to the City for improved radio reception for the Police Department. Police Chief Hall thanked Angie and Walmart for the donation.
- B. Crystal Wadsworth, Executive Director of Westminster Chamber of Commerce gave a report on their upcoming events. Joann Vogelsang, Manager of Huntington-Westminster Senior Apartments and a Director with the Westminster Chamber of Commerce, continued with the report on upcoming events.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of October 19, 2004 and Regular Meeting of the City Council/Redevelopment Agency of November 3, 2004.**

Darrell Nolta, resident of Westminster, requested that the October 19, 2004 minutes include the statement by the City Attorney under the public hearing Item 3.1, regarding the addition of a condition that there will be no more than 27 televisions at the establishment.

Motion was made by Council/Agency Member Fry, and seconded by Council/Agency Member Paris, to approve Item No. 1.1 on the Consent Calendar with the October 19, 2004 minutes amended as requested. The motion was carried by a 4-0 vote.

ROUTINE MATTERS

- 1.2 **(City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**
ACTION: Approved.

1.3 Accepted donation from WalMart for Police Department technology (103-11)

ACTION: The City Council accepted a donation from WalMart in the amount of \$5,500.00 and allocated \$5,500.00 to Capital Project No. 31002-042800.

1.4 Award of contract for street improvements on Newland Street from Edinger Avenue to Heil Avenue, Project No. 51502-031023, Federal Aid #STPL-5338(028) (502-01)

ACTION: The City Council approved the award of contract to the low qualified bidder in the amount of \$281,471.00 to All American Asphalt; all other bids were rejected; and the City Manager was authorized to execute the contract on behalf of the City.

1.5 (City/Agency) Contractual Services Agreement with UCMI, Inc. to provide building inspection services during construction of the Westminster Rose Cultural Center. (502-21)

ACTION: The City Council/Agency Board approved a contractual professional services agreement with UCMI, Inc. in an amount not to exceed \$17,000.00 to provide inspection services for the remainder of this fiscal year, and authorized the City Manager/Executive Director to execute the agreement on behalf of the City/Agency.

ADMINISTRATIVE ITEMS

1.6 Special Event Permit application from the Little Saigon Foundation to hold their 12th annual Christmas Wish Program on Saturday, December 18, 2004 between the hours of 9:00 a.m. and 1:00 p.m. for 2,000 attendees at the Civic Center Sunken Gardens, 8200 Westminster Boulevard (213-02)

ACTION: The City Council approved the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

1.7 (City Council/Redevelopment Agency) Warrant Register dated October 27 through November 9, 2004 (105-09)

ACTION: Approved.

INFORMATION AND REPORTS**1.8 Minutes of the Planning Commission meeting held on October 13, 2004 (104-11)**

ACTION: Received and filed.

1.9 Minutes of the Traffic Commission meeting held on October 5, 2004 (104-12)

ACTION: Received and filed.

1.10 Treasurer's Report – September 2004 (105-08)

ACTION: Received and filed.

Motion was made by Council/Agency Member Fry, and seconded by Council/Agency Member Paris, to approve the Consent Calendar with the exception of Item No. 1.1 which was removed for separate consideration. The motion was carried by a 4-0 vote.

END OF CONSENT CALENDAR**2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW****2.1 The actions of the Planning Commission meeting held on November 10, 2004**

The Community Development Director reviewed the actions of the Planning Commission meeting of November 10, 2004:

- 1) 15440 Beach Boulevard (Case 2004-59, Conditional Use Permit) for sale of alcoholic beverages for off-site consumption in conjunction with a new supermarket called Westminster Superstore (the former K-mart building).

Motion was made by Council Member Paris, and seconded by Council Member Fry, to call up for review Item No. 1, Case No. 2004-59, located at 15440 Beach Boulevard.

3. PUBLIC HEARINGS**3.1 PLANNING CASE 2004-28; LOCATION: 7581 & 7591 WYOMING STREET; APPLICANT: PETER QUANG; PROPERTY OWNERS: MR. FRANCISCO DIAZ, FOR 7581 WYOMING STREET, AND WYOMING PROPERTY, LLC, FOR 7591 WYOMING STREET (201-00)**

Time set for a public hearing to consider a request for approval of a proposed development to construct a twenty-unit, two-story, apartment complex. The entitlements include approval of a Zone Change from CR-PD (Commercial

Restricted-Planned Development) to R-5 (multiple units 19-24 dwelling units per acre), Tentative Parcel Map to consolidate the existing four parcels into two parcels, Site Plan Review to assess the proposed site layout, a Design Review to assess the design and overall appearance of the development, and adoption of Mitigated Negative Declaration MND 04-05.

The Community Development Director reviewed the proposed plan and environmental document for the property.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Francisco Diaz, one of the property owners, requested that the Council approve the project.

Peter Quang, one of the property owners, spoke in favor of approval of the project.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE PROJECT. SEEING THERE WERE NO PERSONS SPEAKING IN OPPOSITION, MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Rice was concerned about the impact to the sewer lines in the area of the project.

Mayor Pro Tem Quach asked the Community Development Director about the procedure to connect to the sewer line to which he said that the developer must contact Midway City Sanitary District or the City will not issue a certificate of occupancy.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Paris, to:

- 1) Adopt Resolution No. 3880 entitled "A Resolution of the City Council of the City of Westminster adopting Mitigated Negative Declaration MND 04-05 and approving Case No. 2004-28 [Zone Change, Tentative Parcel Map, Site Plan Review, & Design Review] pertaining to property located at 7581 & 7591 Wyoming Street" and waive further reading; and
- 2) Introduce Ordinance No. 2378 entitled, "An Ordinance of the City Council of the City of Westminster amending Sectional District Map 2-5-11 of Municipal Code Section 17.06.070 to change the zoning district designation for property located at 7581-7591 Wyoming Street from CR-PD (Restricted Commercial with Planned Development Overlay) to R5 (Multiple Units, 19-24 units/acre)", and waive further reading.

The motion was carried by the following vote.

AYES: RICE, FRY, QUACH, PARIS

NOES: NONE

ABSENT: MARSH

Council Member Fry requested that the Planning Commission review the feasibility of changing the area of the project to an R-5 zoning district.

3.2 PLANNING CASE 2004-50; LOCATION: 7172 PARK STREET; APPLICANT: ANDREW PATTERSON (201-00)

Time set for a public hearing to consider a request for approval of a proposed development in order to construct twelve new detached residential units at 7172 Park Street. The entitlements include approval of a Zone Change from R2 (Multiple Units, 08-12 units/acre) to R2-PD (Multiple Units, 08-12 units/ac with the Planned Development Overlay), Tentative Tract Map, Site Plan, Design Review and certification of the Mitigated Negative Declaration MND 04-04.

The Community Development Director noted that the developer requested the vacation of 15 feet along the south side of Park Street to allow their project to be larger. The engineering department's evaluation determined that the street could be reduced to 60 feet and still provide adequate circulation. In exchange, the developer agreed to reconstruct Park Street from Locust to Chestnut and install curb, gutter, sidewalk and parkway improvements on the south side and to install curb and gutter on the north side at their expense.

Mayor Rice asked if staff determined the value of the trade, to which the Community Development Director said it would probably be even, but engineering did consider it. He further stated that it is not always a question of value; he advised that the improvements would outweigh the cost of the land.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Andrew Patterson, applicant for the project, spoke in support of his project.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE PROJECT. SEEING THERE WERE NO PERSONS SPEAKING IN OPPOSITION, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Quach, to:

- 1) Adopt Resolution No. 3879 entitled, "A Resolution of the City Council of the City of Westminster adopting Mitigated Negative Declaration MND 04-04, and approving Case No. 2004-50 (Zone Change/ Tentative Tract Map/

Site Plan/ Design Review) pertaining to the construction of 12 detached residential units at 7172 Park Street.” and waive further reading; and

- 2) Introduce Ordinance No. 2377 entitled, “An Ordinance of the City Council of Westminster amending Sectional District Map 11-5-11 of Municipal Code Section 17.06.070 to change the zoning for the property located at 7172 Park Street from R-2 (Multiple Units, 08-12 units/acre) to R2-PD (Multiple Units, 08-12 units/ac with a Planned Development Overlay)”, and waive further reading.

The motion was carried by the following vote:

AYES: RICE, FRY, QUACH, PARIS
NOES: NONE
ABSENT: MARSH

4. ORAL COMMUNICATIONS

Ronald Galletti, resident of Westminster, stated that he submitted a claim against the City, reported that his claim has been satisfied and he thanked the Council for their support.

Darrell Nolta, resident of Westminster, addressed Mayor Pro Tem Quach’s campaign literature. His concern was in regards to a reproduced letter from, at that time, Mayor Chuck Smith, but noted that the Mayor’s signature was a forgery. This letter was used to accuse, now Supervisor Chuck Smith, of being a communist sympathizer.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Paris wished the City Manager a speedy recovery. He stated that anything regarding the past election should have been taken to the City and not discussed in a public forum.

Council Member Fry said he was asked to recommend someone to be appointed to the Tree Committee, but he noted that all of the committees will be appointed in January. Mayor Rice said that a report and a recommendation will be forthcoming regarding a reorganization of all the commissions and committees and it will be discussed at the December 6, 2004 study session meeting at 4:30 p.m.

Mayor Pro Tem Quach also wished the City Manager a speedy recovery. Regarding the statement made in Oral Communications, he said he was hoping that the election was behind, and he said he will work with the Council. He also made a statement that everything he printed was factual. He stated he will speak

to the individual who presented him with the letter in question, because if it was a forgery, he did not know that it was.

Mayor Rice responded that she was advised that anyone who comes to the podium to speak, should be allowed to speak. She said she would like to get a copy of the letter from Mr. Nolta.

Mayor Rice wished the City Manager a speedy recovery, and thanked the Assistant City Manager for filling in at the meeting this evening. She said she received an anonymous letter from an employee which she felt was slanderous. She also reported on the ribbon-cutting event at j-Toyko's Restaurant.

Council Member Fry said he would like to leave the election behind and get on with the business of the City.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Holiday Decorating Contest – Judge (701-01)

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Quach, to designate Mayor Rice as the appointee to serve as a judge for the Thirteenth Annual Holiday Decorating Contest scheduled for Thursday, December 9, 2004 at 5:00 p.m. The motion was carried by a 4-0 vote.

Council Member Fry suggested that a category be added for mobile home parks to compete in the contest.

6.2 Increase in purchase order with American Medical Response (AMR) for FY 2004-05 (502-01)

Motion was made by Council Member Fry, and seconded by Council Member Paris, to:

- 1) Authorize a \$32,813.00 increase in the purchase order for ambulance staffing for the City of Westminster ambulance transportation program from American Medical Response (AMR); and
- 2) Approve the appropriation of \$32,813.00 from fund balance to Account No. 44000-43090 (Ambulance Services – Contractual).

The motion was carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS**8.1 Ordinance No. 2376 (2nd Reading) - Zone change for parcels of land located at 15152-15232 Moran Street**

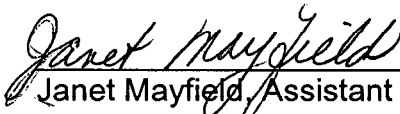
The Deputy City Attorney advised that this item be continued to a date certain so that Council Member Marsh can vote on the item.

RECOMMENDATION: Staff recommends that the City Council:

- 1) Reconsider the action taken at the November 3, 2004 meeting; and
- 2) Adopt Ordinance No. 2376, entitled, "An Ordinance of The City Council of the City of Westminster amending the Westminster Municipal Code by amending Section 17.06.070 thereof to provide for change of zoning for parcels of land located at 15152-15232 Moran Street from CM (Commercial Industrial) to R-5-P (Multiple units with parking overlay zone)" and waive further reading.

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Quach, to continue the item to the meeting of December 1, 2004. The motion was carried by a 4-0 vote.

9. COMMISSION AND COMMITTEE ITEMS - None**10. COUNCIL/AGENCY ADJOURNMENT:** At 8:02 p.m. Mayor/Agency Chair Rice adjourned the meeting.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary